

REMARKS

The Official Action dated May 29, 2003 has been carefully considered. Applicant appreciates the Examiner's thorough review of the application. The changes presented herewith, taken with the following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

Applicant submitted an Information Disclosure Statement and copies of the cited references on June 9, 2003. Applicant requests an initialed copy of the Form PTO-1449 - an additional copy of which is enclosed for the convenience of the Examiner.

Amendments have been made to the specification on page 1 to correct typographical errors.

Claims 1-3, 9, 10, 13 and 14 are currently amended by the present amendment. Claims 5-8, 11 and 12 have been canceled without prejudice. New claims 15-34 have been added. Accordingly, claims 1-4, 9, 10 and 13-34 stand pending in this application and are believed to be in condition for allowance.

Support for the amendment to claim 1 and new claims 15-26 can be found in FIGS. 3a-d, FIGS. 4a-d and the specification, e.g., see the paragraph beginning on page 5, line 26 and the paragraph beginning on page 6, line 5. The amendments to claims 2, 3, 9, 10 and 14 correct minor informalities. Support for the amendment to claim 13 can be found in the specification, on page 6, lines 30-32. Support for claim 27 can be found in original claim 1 and on page 3, lines 17-19. Support for claims 28-30 can be found in original claims 5-7 respectively. New claim 31 is essentially original claim 9 rewritten in independent form.

Support for claim 32 can be found in original claim 10. Support for claims 33 and 34 can be found in original claims 11 and 12 and the specification.

The Examiner rejects claims 1, 2, 4 and 9 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,105, 155 to Forbes, Jr. Applicant respectfully traverses this rejection for the reasons stated more fully below.

Claim 1 recites a container including an interior area for housing a plurality of vertically stacked substrates. The container comprises top and bottom side walls opposing each other, front and back side walls opposing each other and left and right side walls opposing each other. The container further includes a dispensing opening. The angle between the front side wall and the bottom side wall is greater than 90° but less than 180° and the dispensing opening is located in the top side wall or the front side wall or on the intersection between the top side wall and the front side wall. The container is adapted to bias a plurality of vertically stacked substrates toward the front side wall to assist in positioning an edge of a substrate adjacent the dispensing opening.

Forbes, Jr. fails to disclose all of the limitations of claim 1. For example, Forbes, Jr. fails to disclose a container that is adapted to bias a plurality of vertically stacked substrates toward the front side wall to assist in positioning an edge of a substrate adjacent the dispensing opening. Rather, Forbes, Jr. simply discloses a food carton that is apparently designed to avoid biasing its contents against its side walls. Indeed, Forbes, Jr. states that the baked goods stored within the carton should be packaged in such a manner that they are well ventilated and separated from one another, and so that they have minimum product contact with their enclosed carton. (See column 1, lines 26-29). Forbes, Jr. provides the food carton with ventilation openings that achieve a fresher product with minimum doughing or wetting

of the dough in the pie crust where it touches the carton side walls. (See column 5, lines 14-18). Accordingly, Forbes, Jr. comprises a food carton that is adapted to discourage bias of its product against the container walls while claim 1 requires a container that is adapted to bias a plurality of vertically stacked substrates toward the front side wall to assist in positioning an edge of a substrate adjacent the dispensing opening. Accordingly, it is believed that the rejection of claim 1 in view of Forbes, Jr. should be withdrawn. Similarly, Applicant requests removal of the rejections of claims 2, 4 and 9 in view of Forbes, Jr. as these claims each depend directly from claim 1, which is believed to be allowable over Forbes, Jr. for reasons stated above.

In addition, Forbes, Jr. fails to disclose all of the further limitations of claim 9. Moreover, new claim 31 is essentially original claim 9 written in independent form. Therefore, it is also believed that new claim 31 cannot be anticipated by Forbes, Jr. Claim 31 recites the dispensing opening being located on the intersection between the top side wall and the front side wall. In contrast, Forbes, Jr. discloses the intersection between top closure flaps (16,18) and side walls (12,14) as fold lines (15,17). (See column 3, lines 10-13, and FIG. 1). Forbes Jr. fails to disclose a dispensing opening located on the fold lines. Rather, dispensing of product is only possible by pivoting away the top closure flaps to open the container. An opening defined by removing a top side wall cannot be considered a dispensing opening as stated in the Applicant's specification (see page 5, lines 10-14). As Forbes, Jr. fails to disclose the further limitations of claim 9, Applicant requests removal of the rejection of claim 9 in view of Forbes, Jr. for these additional reasons.

The Examiner rejects claims 1-12 under 35 U.S.C. 103(a) as being unpatentable over Olson (Patent No. 4,044,919) in view of Bauer et al. (Patent No. 5,971,153). Applicant respectfully traverses this rejection for the reasons stated more fully below.

The modification of Olson in view of Bauer et al., as proposed by the Examiner, is improper and also fails to disclose all of the limitations of the claims. As stated above, claim 1 recites a container including an interior area for housing a plurality of vertically stacked substrates wherein the container is adapted to bias a plurality of the vertically stacked substrates toward the front side wall to assist in positioning an edge of a substrate adjacent the dispensing opening. In contrast, Olson discloses a carton for housing a plurality of bags. Each bag includes a flap (23) located on the face of the bag and the bags are stored inside the carton, with respect to a U-shaped bag support insert member (31), such that the first and second opposed edges of the bags are located adjacent the bottom wall (11), see FIGS. 1 and 2 of Olson. Due to the resilient properties of the U-shaped bag support insert (31), the bags may be biased such that the insert is adapted to urge presentation of a flap (23) of a bag to the dispensing orifice even after a substantial number of bags have been removed. (See column 5, lines 60-63). Thus, the Olson container is adapted to bias a plurality of bags toward the front side wall to assist in positioning a portion of a face of the bag [i.e., the flap (23) portion of the bag face] adjacent the dispensing opening. In contrast, claim 1 recites a container that is adapted to bias a plurality of vertically stacked substrates toward the front side wall to assist in positioning an edge of a substrate, rather than a face of the substrate, adjacent the dispensing opening. Applicant therefore requests withdrawal of the rejection of claim over Olson in view of Bauer et al. since the references fail to disclose all of the limitations of the claim.

Moreover, the Examiner apparently agrees that Olson fails to disclose the angle between the front side wall and the bottom side wall being greater than 90° and less than 180°. In light of the trapezoidal container of Bauer et al., however, the Examiner argues that it would have been obvious to one of ordinary skill in the art to modify the container of Olson by constructing a bottom wall forming an angle with the front wall that is greater than 90° in order to conform to the shape of the articles packaged to save space. Applicant respectfully further traverses this rejection since there is no suggestion or motivation in the references to modify the container of Olson with the teachings of Bauer et al. as set forth by the Examiner.

Olson discloses a plurality of bags that are apparently stacked together and are all folded together around an insert (31) having a general U-shaped configuration. In contrast, Bauer et al. discloses a plurality of substrates that are individually folded and thereafter stacked in an array (3) within a casing (19). Bauer et al. recognizes that, due to the stacking of individually folded articles in an array, the first region (15) of the array will have a larger volume than the second region (17). The differences in volume between the first region (15) and the second region (17) causes the array to form a trapezoidal arrangement. (See column 4, lines 11-17). Bauer et al. recognizes that, in order to minimize unused space in the container, a trapezoidal container may be used in instances where a plurality of substrates are individually folded and arranged in an array. (See column 4, lines 11-17). Unlike Bauer et al., Olson discloses a plurality of bags that are folded together, not individually, about a U-shaped insert such that the articles are arranged in the shape of a "U" rather than a trapezoidal shape. As the articles of Olson are not individually folded in a manner that would result in a trapezoidal arrangement of articles, there is no suggestion or motivation to modify the container of Olson such that the angle between the front side wall and the bottom side wall is

greater than 90° but less than 180°. Applicant therefore requests removal of the rejection of claim 1 over Olson in view of Bauer et al. for these additional reasons.

Applicant also requests withdrawal of the rejection of claims 2-4, 9 and 10 as being unpatentable over Olson in view of Bauer et al. since these claims depend directly or indirectly from claim 1 which is believed to be allowable for reasons stated above.

The Examiner also rejects claims 13 and 14 under 35 U.S.C. 103(a) as being unpatentable over Olson in view of Bauer et al. as applied to claim 1 above and further in view of U.S. Patent no. 6,053,356 to Emoff et al. Applicant respectfully traverses this rejection. Claim 13 recites a substrate holder adapted for storing dispensed substrate between uses. In contrast, the suction cups (44) of Emoff et al. are designed to attach a coupon dispenser (30) to a support surface. The coupon dispenser houses a plurality coupons for future dispensing. In contrast, claim 13 recites a substrate holder for storing dispensed substrate between uses. As Emoff et al. fails to provide the Olson in view of Bauer et al. with the missing limitations of the claim, Applicant respectfully requests withdrawal of the rejection of claim 13 and claim 14 depending therefrom.

It is believed that the above represents a complete response to the Examiner's claim objections and rejections, and therefore places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,

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